

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES CARL KELLY,

Plaintiff,

v.

WILLIAM OGLESBY, et al.,

Defendants.

No. 1:25-cv-00042-KES-SAB (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE

On June 26, 2025, the Court determined that plaintiff had accumulated three strikes under 28 U.S.C. § 1915(g) and ordered him to pay the filing fee within 30 days to proceed with this action. Doc. 15. Despite the Court’s warning that “failure to pay the required filing fee as ordered will result in the dismissal of this action without prejudice and without further notice,” *id.* at 3, plaintiff has failed to pay the required fee. Without such payment, this action cannot proceed. *See* 28 U.S.C. § 1914(a); L.R. 121(c); *Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995); *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

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1 Accordingly:

- 2 1. This action is dismissed without prejudice for plaintiff's failure to pay the filing
3 fee; and
4 2. The Clerk of the Court is directed to close this case.

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7 IT IS SO ORDERED.

8 Dated: August 1, 2025


UNITED STATES DISTRICT JUDGE